

SILVERMANACAMPORA LLP
Attorneys for the Committee
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
Kenneth P. Silverman
Ronald J. Friedman
Brian Powers

Presentment Date: December 17, 2018
Time: 1:30 p.m.

Objections Due: December 17, 2018
Time: 1:30 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

DOWLING COLLEGE f/d/b/a DOWLING
INSTITUTE f/d/b/a DOWLING COLLEGE
ALUMNI ASSOCIATION f/d/b/a CECOM
a/k/a DOWLING COLLEGE, INC.

Chapter 11

Case No. 16-75545 (REG)

Debtor.

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**NOTICE OF PRESENTMENT OF
SUPPLEMENTAL APPLICATION OF SILVERMANACAMPORA LLP,
COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,
FOR INTERIM PAYMENT OF AMOUNTS HELD BACK PURSUANT TO COURT ORDERS**

PLEASE TAKE NOTICE, that upon the motion (the “**Motion**”) ¹ of SilvermanAcampora LLP (“**Applicant**”) counsel to the Official Committee of Unsecured Creditors (the “**Committee**”) of Dowling College f/d/b/a Dowling Institute f/d/b/a Dowling College Alumni Association f/d/b/a Cecom a/k/a Dowling College, Inc. (the “**Debtor**”), the above-captioned debtor and debtor in possession, will seek entry of an order authorizing and directing the Debtor to remit certain holdbacks authorized by order of the Court in connection with fees accrued in connection with Applicant’s representation of the Committee, and for such other and further relief as this Court deems just and proper by the Honorable Robert E. Grossman, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D’Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York, on the **December 17, 2018** at **1:30 p.m.**

PLEASE TAKE FURTHER NOTICE, that objections (“**Objections**”), if any, to the relief sought in the Motion must be that objections to the Motion, if any, must be filed with the Court electronically in accordance with General Order 559 by registered users of the Court’s electronic case filing system and, by all other parties in interest, mailed to the Clerk of the United States

¹ All capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

Bankruptcy Court for the Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York, with a hard copy delivered directly to the Chambers of the Honorable Robert E. Grossman, and served in accordance with General Order 559 or other form upon: (i) attorneys for the Committee, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York, 11753, Attn: Anthony C. Acampora; (ii) the Office of the United States Trustee for Region 2, 560 Federal Plaza, Central Islip, New York 11722, Attn: Stan Yang; (iii) counsel to the Debtor, Klestadt Winters Jureller Southard & Stevens, LLP, 200 West 41st Street, 17th Floor, New York, New York 10036, Attn: Sean C. Southard; and (iv) counsel to the Debtor's material prepetition and post-petition secured lenders: (a) Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C., One Financial Center, Boston, Massachusetts 02111, Attn: P. Miyoko Sato and Ian A. Hammel, (b) Schulte Roth & Zabel LLP, 919 Third Avenue, New York, New York 10022, Attn: Brian D. Pfeiffer and Neil S. Begley, (c) Certilman Balin Adler & Hyman, LLP, 90 Merrick Avenue, 9th Floor, East Meadow, NY 11554, Attn: Richard J. McCord, Esq. and Thomas J. McNamara, and (d) Garfunkel Wild, P.C., 111 Great Neck Road, Great Neck, NY 11021, Attn: Adam T. Berkowitz, so as to be filed and received by no later than **December 17, 2018 at 1:30 p.m.**

Dated: Jericho, New York
December 13, 2018

SILVERMANACAMPORA LLP
Attorneys for the Committee

By: *s/ Ronald J. Friedman*
Ronald J. Friedman
A Member of the Firm
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
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**SUPPLEMENTAL APPLICATION OF SILVERMANACAMPORA LLP,
COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,
FOR INTERIM PAYMENT OF AMOUNTS HELD BACK PURSUANT TO COURT ORDERS**

SilvermanAcampora LLP ("SilvermanAcampora" or the "Applicant"), counsel to the Official Committee of Unsecured Creditors (the "Committee") of Dowling College f/d/b/a Dowling Institute f/d/b/a Dowling College Alumni Association f/d/b/a Cecom a/k/a Dowling College, Inc. (the "Debtor"), the above-captioned debtor and debtor in possession, submits this third interim application for compensation (the "Application") seeking entry of an order pursuant to sections 105 and 330 of title 11, United States Code (the "Bankruptcy Code"), Rule 2016 of the Federal Rules of Bankruptcy Procedure, and General Order 613 dated June 4, 2013 Re: Guidelines for Fees and Disbursements for Professionals in Eastern District of New York Bankruptcy Cases, and respectfully sets forth and represents as follows:

JURISDICTION

1. Jurisdiction over these proceedings and this Application is based upon 28 U.S.C. §§157(a) and 1334, and the "Amended Standing Order of Reference" of the United States District Court for the Eastern District of New York, dated December 5, 2012, effective as of June

23, 2011 (Amon, C.J.). This Court is the proper venue for this proceeding in accordance with 28 U.S.C. §§1408 and 1409.

2. The statutory predicates for the relief requested herein are Bankruptcy Code § 330 and Bankruptcy Rule 2016.

RELIEF REQUESTED

3. By this Application, SilvermanAcampora seeks an order of the Court authorizing the Debtor to remit payment to SilvermanAcampora, on an interim basis, the total amount of \$147,111.90, representing:

- Fees held back pursuant to the *Order Granting Applications for Interim and/or Final Allowance of Compensation and Reimbursement of Expenses* (ECF Doc. No. 456) (the “**Second Interim Fee Order**”) in the amount of \$37,522.10 (the “**Second Period Holdback**”);
- Fees held back pursuant to the *Order Granting Applications for Interim and/or Final Allowance of Compensation and Reimbursement of Expenses* (ECF Doc. No. 609) (the “**Third Interim Fee Order**”) in the amount of \$57,507.60 (the “**Third Period Holdback**”); and
- Fees held back pursuant to the Court’s order dated December 21, 2016 (ECF Doc. No. 117) (the “**Monthly Compensation Order**”), for the period of June 1, 2018 through October 31, 2018 in the amount of \$26,041.10 (the “**Fourth Period Holdback**” and, together with the Second Period Holdback and the Third Period Holdback, the “**Holdbacks**”). Copies of Applicant’s invoices for the Fourth Holdback Period are annexed hereto as **Exhibit A**.

4. Based upon the results achieved to date during this chapter 11 case, including the Debtor’s anticipated confirmation of a chapter 11 plan (the “**Plan**”), Applicant submits that it

would be fair and equitable to permit the Debtor to remit payment of the Holdbacks to Applicant on an interim basis at this time, subject to final a final fee application and order of this Court.

5. Moreover, pursuant to the Plan, the Debtor's secured creditors are responsible for payment of all administrative claims against the Debtor's estate, including the fees of estate professionals. Applicant has adhered to the procedures provided for in the Monthly Compensation Order, which include providing copies of its monthly invoices to the Debtor's secured creditors for review, and Applicant has received no objections to its fees during this chapter 11 case.

6. No previous application or motion for the relief requested herein has been made to this or any other Court, other than Applicant's second and third interim applications for compensation.

WHEREFORE, SilvermanAcampora seeks the entry of an order (i) authorizing and directing the Debtor's payment of the Holdbacks, and (ii) granting such further relief as this Court may deem just and proper.

Dated: Jericho, New York
December 13, 2018

SILVERMANACAMPORA LLP
Counsel to the Committee

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